



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,525	02/03/2001	Daniel W. Gentry	1720-2000	5222

7590 01/26/2005

JAMES F HARVEY
HARVEY & ASSOCIATES, PC
3750 WEST MAIN STREET
SUITE 122
NORMAN, OK 73072-4645

EXAMINER

WEBB, JAMISUE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/776,525

Applicant(s)

GENTRY, DANIEL W.

Examiner

Jamisue A. Webb

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

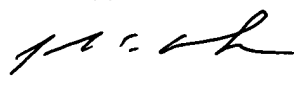
The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 2 and 4-29.

Claim(s) withdrawn from consideration: _____.


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 2. NOTE: The applicant has added new Claim 30, and has stated that Claim is another aspect of the invention, which would cause further search and consideration, due to the fact that the examiner has not examined this method with this combination of steps previously.

Continuation of 5. does NOT place the application in condition for allowance because: The applicant has made a statement indicating that the objection to the specification for new matter is improper. It should be noted that the specification is not objected to, but the amendment is objected to for adding new matter, not the specification. With regards to applicant's argument that the claims do not add new matter due to the fact that the application notes that the invention is for receiving and shipping. While this is true, the limitation that the examiner considers to be new matter is the limitation, where the profile providing a specified delivery service for delivery, and another specified delivery service for pick-up. The claims state that the profile contains this information. The specification does not state that the profile will contain this type of information for a first and a second specified delivery service. The specification does state that it is possible for the enclosure to be used for both, the same as a mailbox would be used for both, however fails to disclose the specifics of the customer profiles. The applicant has argued that the profile can be used for any entity, and that there is no restriction stated in the specification that the profile information is restricted to a particular delivery service and that the profile does not necessarily include information peculiar to a particular delivery service. However, the claim specifically claims the use of a first and second specified delivery service, and that information is located in the profile. The fact that this information is not in the specification is the reason the new matter rejection was made in the claims. The arguments are not persuasive, and therefore the new matter rejection stands as stated in the Final Office action.

With respect to Applicant's Arguments that Stephens does not disclose the customer fills the roll of a sender and receiver. Stephens as used in the 103(a) rejection, is used for the scheduling of the pick-up of goods, Stephens discloses that it is old and well known in the art to have a lockable enclosure at a home or office that can be used for delivery or pick-up, therefore the customer is the "sender". Therefore applicant's arguments are not persuasive, and rejection stands as stated in the Final Office Action.